

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

ROVIO ENTERTAINMENT, LTD.
Plaintiff,

v.

AM WHOLESALE, INC., et al.
Defendant.

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CIVIL ACTION NO. 3:13-cv-04719-G

**NOTICE OF MOTION FOR DEFAULT
JUDGMENT**

TO THE COURT AND TO DEFENDANTS:

PLEASE TAKE NOTICE that on ____ July ___, 2014, at 9:30 a.m., or as soon thereafter as the matter may be heard in the Courtroom of the Hon. Judge A. Joe Fish, United States Judge, located at Courtroom 1525, of the United States District Courthouse, 1100 Commerce Street, Dallas, Texas 75242-1003, Plaintiff Rovio Entertainment Ltd., (“Plaintiff”) will, and hereby does, move the Court for entry of default judgment against Defendant Manuel Sandoval d/b/a Manny’s Place, an individual, having a principal place of business at 812 East Amarillo Boulevard, Amarillo, Texas 79107, and residing at 1015 Sunrise Drive, Amarillo, Texas 79104 (“Defendants”) for copyright statutory damages in the sum total of One Hundred and Fifty Thousand Dollars (\$150,000.00) and Trademark Infringement and Counterfeit statutory damages in the sum total of One Hundred and Fifty Thousand Dollars (\$150,000.00) and post-judgment interest calculated pursuant to 28 U.S.C. § 1961(a). Plaintiff also seeks entry of a permanent injunction prohibiting Defendant from further infringement of Plaintiff’s intellectual properties.

By this Notice of Motion for Default Judgment, the Memorandum in Support thereof, and the Declarations of Jason M. Drangel, Ralph Richard Jr., and Kati Levoranta, and exhibits attached thereto, Plaintiff request that a default judgment be entered based on the following points:

1. Defendant is not an infant or incompetent person or in the military service or otherwise exempted under the Service Members Civil Relief Act;
2. Defendant has not appeared in the action.
3. This Notice and Motion for Default Judgment, along with all supporting papers is being served on Defendant on June 6, 2014, by placing true and correct copies thereof in sealed envelopes addressed to Defendant at the same address where service of process was completed.
4. Plaintiff elects statutory damages under the Copyright Act.
5. Plaintiff elects statutory damages under the Lanham Act.
6. Plaintiff is entitled to judgment against Defendant based on violation of 17 U.S.C. § 501 *et seq.* (copyright infringement).
7. Plaintiff is entitled to judgment against Defendant based on violation of 15 U.S.C. § 1117 *et seq.* (counterfeiting and trademark infringement).
8. Plaintiff does not elect to proceed to judgment for damages on its claims for: unfair competition or related common law claims.
9. The principal amount of the judgment sought as against Defendant is statutory damages in the amount of Three Hundred Thousand Dollars (\$300,000.00) for Defendants' liability to Plaintiff as set forth in the Memorandum in Support thereof, supporting declarations and exhibits, and as authorized by 17 U.S.C. § 504 and 15 U.S.C. § 1117(a).
10. Plaintiff also seeks entry of a permanent injunction prohibiting Defendant from further infringement of any of Plaintiff's intellectual property rights.
11. Plaintiff further seeks interest on the judgment calculated pursuant to 28 U.S.C. § 1961(a).
12. This motion is based on this Notice of Motion for Default Judgment, Memorandum in Support thereof, supporting declarations, and exhibits attached thereto, the exhibits and evidence to be presented at the hearing hereon, the pleadings, records and papers on file herein and such other matters and evidence as may be presented at or before the hearing.

Dated: June 6, 2014

Respectfully submitted,

BY: s/ Jason M. Drangel

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Local counsel for Plaintiff

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